

Senate Chamber, Atlanta, Georgia
Tuesday, February 8, 2005
Fourteenth Legislative Day

The Senate met pursuant to adjournment at 10:00 a.m. today and was called to order by the President.

Senator Balfour of the 9th reported that the Journal of the previous legislative day had been read and found to be correct.

By unanimous consent, the reading of the Journal was dispensed with.

The Journal was confirmed.

The following message was received from the House through Mr. Rivers, the Clerk thereof:

Mr. President:

The House has passed by the requisite constitutional majority the following Bill of the House:

HB 67. By Representatives Ehrhart of the 36th, Willard of the 49th, Martin of the 47th, Jennings of the 82nd, Lunsford of the 110th and others:

A BILL to be entitled an Act to amend Chapter 1 of Title 50 of the Official Code of Georgia Annotated, relating to state government in general, so as to provide for neutrality of state law with respect to freedom of decision to provide or not provide certain benefits to unmarried persons; to provide that state and local government entities shall comply with such policy of neutrality; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The House has adopted by the requisite constitutional majority the following Resolution of the House:

HR 165. By Representatives Keen of the 179th and Porter of the 143rd:

A RESOLUTION calling a joint session of the House of Representatives and the Senate for the purpose of hearing a message from the Chief Justice of the Supreme Court; and for other purposes.

The following Senate legislation was introduced, read the first time and referred to committee:

SB 12. By Senators Thompson of the 5th, Golden of the 8th, Henson of the 41st, Meyer von Bremen of the 12th, Brown of the 26th and others:

A BILL to be entitled an Act to amend Chapter 1 of Title 50 of the Official Code of Georgia Annotated, relating to state government in general, so as to provide for qualifications with respect to certain call centers; to provide for definitions; to provide for construction; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations (General) Committee.

SB 135. By Senators Smith of the 52nd, Hill of the 32nd, Grant of the 25th, Kemp of the 46th, Mullis of the 53rd and others:

A BILL to be entitled an Act to amend Chapter 7 of Title 17 of the Official Code of Georgia Annotated, relating to pretrial proceedings, so as to provide for procedures related to jurisdiction and indictment for children charged with crimes within the jurisdiction of superior courts; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Judiciary Committee.

SB 136. By Senators Smith of the 52nd, Hill of the 32nd, Wiles of the 37th and Weber of the 40th:

A BILL to be entitled an Act to amend Code Section 15-11-47 of the Official Code of Georgia Annotated, relating to procedure on taking child into custody, detention, and bail, so as to provide for bail for children alleged to be delinquent or unruly; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Judiciary Committee.

SB 137. By Senator Schaefer of the 50th:

A BILL to be entitled an Act to amend an Act to create the office of Commissioner of Towns County, approved March 14, 1984 (Ga. L. 1984, p. 4130), as amended, so as to reconstitute the board of commissioners of Towns County and revise and restate the law relating to the board; to provide for continuation in office of the present sole county commissioner; to provide for

the establishment of commissioner districts; to provide for the election and terms of office for subsequent members; to provide for filling vacancies; to provide for the powers, duties, and authority of the chairperson and members of the board; to provide for related matters; to provide for submission of this Act for preclearance under the federal Voting Rights Act of 1965, as amended; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

SB 138. By Senators Stoner of the 6th, Rogers of the 21st, Hill of the 32nd and Wiles of the 37th:

A BILL to be entitled an Act to amend an Act creating the Cobb County-Marietta Water Authority, approved February 21, 1951 (Ga. L. 1951, p. 497), as amended, particularly by an Act approved March 28, 1986 (Ga. L. 1986, p. 5296), an Act approved March 30, 1989 (Ga. L. 1989, p. 4711), and an Act approved April 5, 1995 (Ga. L. 1995, p. 4121), so as to change the membership, vacancy, and quorum provisions regarding the authority; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

SB 139. By Senators Seabaugh of the 28th, Hill of the 32nd, Williams of the 19th and Harbison of the 15th:

A BILL to be entitled an Act to amend Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to general provisions for torts, so as to limit liability and damages in certain circumstances; to provide for limited liability for certain liquefied petroleum gas providers; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

Referred to the Judiciary Committee.

SB 140. By Senators Williams of the 19th and Cagle of the 49th:

A BILL to be entitled an Act to amend Article 2 of Chapter 20A of Title 33 of the O.C.G.A., relating to the patient's right to independent review, so as to revise and add definitions; to change references to conform to revised and new terms; to amend Article 7 of Chapter 4 of Title 49 of the O.C.G.A., relating to medical assistance generally, so as to strike Code Section 49-4-156, which is reserved, and inserting a new Code Section 49-4-156 to provide that certain requirements shall not apply to health maintenance organizations which

contract with the department of community health; to amend Article 13 of Chapter 5 of Title 49 of the O.C.G.A., relating to PeachCare for Kids, so as to provide for a definition;

Referred to the Health and Human Services Committee.

SB 141. By Senator Balfour of the 9th:

A BILL to be entitled an Act to amend Article 2 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to gambling and related offenses, so as to prohibit pyramid promotional schemes; to provide definitions; to provide for penalties and procedures; to provide for other related matters; to repeal conflicting laws; and for other purposes.

Referred to the Judiciary Committee.

SB 142. By Senators Mullis of the 53rd, Reed of the 35th, Smith of the 52nd and Zamarripa of the 36th:

A BILL to be entitled an Act to amend Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to prestige license plates and special plates for certain persons and vehicles, so as to provide for a special license plate promoting the 501(c)(3) foundation of the Atlanta Braves professional sports team in Georgia; to provide for issuance, renewal, fees, licensing agreements, applications, transfers, and disposition of funds relative to such special license plates; to provide for related matters; to provide for a contingent effective date; to provide for automatic repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

Referred to the Public Safety and Homeland Security Committee.

SB 143. By Senators Mullis of the 53rd, Pearson of the 51st, Schaefer of the 50th and Whitehead, Sr. of the 24th:

A BILL to be entitled an Act to amend Code Section 50-8-150 of the Official Code of Georgia Annotated, relating to the creation of the State Advisory Committee on Rural Development, so as to create the Georgia Rural Development Council; to provide for its duties and responsibilities; to provide for the composition of the council; to provide for membership, officers, and terms of office; to provide for bylaws; to provide for compensation; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Economic Development Committee.

- SB 144. By Senators Mullis of the 53rd, Pearson of the 51st, Schaefer of the 50th and Whitehead, Sr. of the 24th:

A BILL to be entitled an Act to amend Code Section 50-8-150 of the Official Code of Georgia Annotated, relating to the creation of the State Advisory Committee on Rural Development, so as to create the Georgia Rural Development Council; to provide for its duties and responsibilities; to provide for the composition of the council; to provide for membership, officers, and terms of office; to provide for bylaws; to provide for compensation; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Economic Development Committee.

- SB 145. By Senators Grant of the 25th, Butler of the 55th and Staton of the 18th:

A BILL to be entitled an Act to amend Chapter 10 of Title 43 of the Official Code of Georgia Annotated, relating to cosmetologists, so as to define certain terms; to provide for a certificate of registration for hair braiders and hair designers; to provide for qualifications; to provide for application and fees; to provide for reciprocity; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Regulated Industries and Utilities Committee.

- SR 100. By Senators Smith of the 52nd, Kemp of the 46th, Mullis of the 53rd, Thomas of the 54th, Pearson of the 51st and others:

A RESOLUTION urging professional athletes to exhibit proper conduct and good sportsmanship on and off the field of play and urging professional franchises and their governing bodies to take appropriate actions to ensure proper behavior by the players; and for other purposes.

Referred to the Insurance and Labor Committee.

The following House legislation was read the first time and referred to committee:

- HB 67. By Representatives Ehrhart of the 36th, Willard of the 49th, Martin of the 47th, Jennings of the 82nd, Lunsford of the 110th and others:

A BILL to be entitled an Act to amend Chapter 1 of Title 50 of the Official Code of Georgia Annotated, relating to state government in general, so as to provide for neutrality of state law with respect to freedom of decision to provide or not provide certain benefits to unmarried persons; to provide that

state and local government entities shall comply with such policy of neutrality; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations (General) Committee.

The following committee reports were read by the Secretary:

Mr. President:

The Insurance and Labor Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

SB 92 Do Pass

Respectfully submitted,
Senator Hudgens of the 47th District, Chairman

Mr. President:

The State Institutions and Property Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

SR 80 Do Pass

Respectfully submitted,
Senator Thomas of the 2nd District, Chairman

The following legislation was read the second time:

HB 98 SB 52 SB 53 SB 86 SR 54

Senator Stoner of the 6th asked unanimous consent that Senator Thompson of the 33rd be excused. The consent was granted, and Senator Thompson was excused.

The roll was called and the following Senators answered to their names:

Adelman	Henson	Shafer,D
Balfour	Hill,Jack	Smith
Brown	Hill,Judson	Starr
Bulloch	Hooks	Staton
Butler	Hudgens	Stephens
Cagle	Johnson	Stoner

Carter	Jones	Tate
Chance	Kemp	Thomas,D
Chapman	Me V Bremen	Thomas,R
Douglas	Miles	Thompson,C
Fort	Moody	Tolleson
Goggans	Mullis	Unterman
Golden	Pearson	Walker
Grant	Powell	Weber
Hamrick	Rogers	Whitehead
Harbison	Schaefer	Wiles
Harp	Seabaugh	Williams
Heath	Seay	Zamarripa

Not answering were Senators:

Reed	Thompson, S (Excused)
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Senator Reed was off the floor of the Senate when the roll was called and wishes to be recorded as present.

The members pledged allegiance to the flag.

Senator Hill of the 32nd introduced the chaplain of the day, Father Steve Yander of Atlanta, Georgia, who offered scripture reading and prayer.

The President recognized Bishop Eddie Long.

Senator Adelman of the 42nd introduced the doctor of the day, Dr. Michael Robinowitz.

Senator Bulloch of the 11th recognized the President of the Georgia Farm Bureau, Dr. Wayne Dollar, commended by SR 72, adopted previously.

The following resolutions were read and adopted:

SR 90. By Senator Harbison of the 15th:

A RESOLUTION recognizing the contributions of black contractors to the State of Georgia and declaring February 10, 2005, as Black Contractors Day in Georgia; and for other purposes.

SR 91. By Senator Harbison of the 15th:

A RESOLUTION recognizing and commending Reverend Rudolph Carter Allen; and for other purposes.

SR 92. By Senator Harbison of the 15th:

A RESOLUTION recognizing and commending Mr. Clement O. McIntosh II; and for other purposes.

SR 93. By Senators Hudgens of the 47th, Cagle of the 49th, Kemp of the 46th, Johnson of the 1st and Stephens of the 27th:

A RESOLUTION recognizing and commending Ward Black, Winner of the National Future Farmers of America Proficiency Award for Home and Community Development; and for other purposes.

SR 94. By Senators Hudgens of the 47th, Cagle of the 49th, Kemp of the 46th, Johnson of the 1st and Stephens of the 27th:

A RESOLUTION recognizing and commending Emily Byers, Winner of the National Future Farmers of America Proficiency Award for Agricultural Communications; and for other purposes.

SR 95. By Senator Williams of the 19th:

A RESOLUTION honoring Mr. and Mrs. Richard S. Herring on the occasion of their 70th wedding anniversary; and for other purposes.

SR 96. By Senators Chapman of the 3rd, Thomas of the 2nd, Schaefer of the 50th and Williams of the 19th:

A RESOLUTION recognizing and commending Mrs. Sheila M. McNeill, National President of the Navy League of the United States; and for other purposes.

SR 97. By Senators Cagle of the 49th, Kemp of the 46th, Douglas of the 17th, Carter of the 13th, Hill of the 32nd and others:

A RESOLUTION recognizing the Georgia Recreation and Parks Association; and for other purposes.

SR 98. By Senators Smith of the 52nd, Mullis of the 53rd and Thomas of the 54th:

A RESOLUTION recognizing and commending Coosa High School, winners of the 2004 AA Governor's Cup; and for other purposes.

SR 99. By Senator Kemp of the 46th:

A RESOLUTION recognizing and commending the Georgia State Lodge, Fraternal Order of Police for its outstanding service to the law enforcement officers of this state; and for other purposes.

SR 101. By Senators Grant of the 25th, Mullis of the 53rd, Douglas of the 17th, Seabaugh of the 28th, Harp of the 29th and others:

A RESOLUTION recognizing and commending Georgia Military College and its student body for supporting the war in Iraq; and for other purposes.

SR 102. By Senators Bulloch of the 11th, Kemp of the 46th, Tolleson of the 20th, Hudgens of the 47th, Hill of the 4th and others:

A RESOLUTION recognizing and commending the Future Farmers of America; and for other purposes.

SR 103. By Senators Thompson of the 33rd, Stoner of the 6th, Hill of the 32nd, Rogers of the 21st and Wiles of the 37th:

A RESOLUTION remembering and honoring the life of George Edward Bentley; and for other purposes.

SR 104. By Senators Douglas of the 17th, Johnson of the 1st, Stephens of the 27th, Bulloch of the 11th, Balfour of the 9th and others:

A RESOLUTION designating March 16th as Atlanta Motor Speedway Day at the state capitol; and for other purposes.

SR 105. By Senator Golden of the 8th:

A RESOLUTION commending and congratulating Coach Charles Cooper; and for other purposes.

SR 106. By Senators Golden of the 8th and Carter of the 13th:

A RESOLUTION commending and congratulating the Valdosta State University Football Team; and for other purposes.

SR 107. By Senator Golden of the 8th:

A RESOLUTION celebrating the Lowndes High School Football Team, winners of the AAAAA State Championship; and for other purposes.

SR 108. By Senators Rogers of the 21st, Heath of the 31st, Stephens of the 27th, Balfour of the 9th, Mullis of the 53rd and others:

A RESOLUTION recognizing the contributions of home education and declaring Thursday, February 10, 2005, Home School Day at the Capitol; and for other purposes.

SR 109. By Senator Hill of the 4th:

A RESOLUTION commending Steven Smith upon being named the 2005 winner of the Kansas One Shot Governor's Turkey Hunt Essay Contest; and for other purposes.

SENATE RULES CALENDAR
TUESDAY, FEBRUARY 8, 2005
FOURTEENTH LEGISLATIVE DAY

- | | |
|-------|--|
| SB 56 | Tuberculosis Hospitalization; definition; confinement provision; revise (Amendment)(H&HS-54th) |
| SB 87 | Georgia Seed Law; preempt certain local ordinances; exemptions (AG&CA-11th) |
| SB 88 | Georgia Fertilizer Act; preempt certain local ordinances; exemptions (AG&CA-11th) |
| SB 89 | Controlled Substances, Schedule I; definitions, exceptions; change provisions (H&HS-54th) |
| SB 97 | Juvenile Court Supervision Fees; used for truancy intervention services (S JUDY-30th) |

SR 33 Gwinnett University Center; approve creation of four-year college
(H ED-9th)

Respectfully submitted,

/s/ Balfour of the 9th, Chairman
Senate Rules Committee

The following legislation was read the third time and put upon its passage:

SB 56. By Senators Thomas of the 54th, Unterman of the 45th, Harbison of the 15th,
Hooks of the 14th, Pearson of the 51st and others:

A BILL to be entitled an Act to amend Chapter 14 of Title 31 of the Official Code of Georgia Annotated, relating to hospitalization for tuberculosis, so as to revise a definition; to revise obsolete references; to revise certain provisions relative to confinement of patients committed for tuberculosis treatment; to revise certain provisions relative to continuation of confinement of patients committed for tuberculosis treatment; to provide for related matters; to repeal conflicting laws; and for other purposes.

The Health and Human Services Committee offered the following amendment:

Amend SB 56 (LC 33 0594) by striking on line 16 of page 1 the text "based on:" and inserting in its place:

"demonstrated by clinical, bacteriologic, or diagnostic imaging evidence, or a combination thereof. Persons who have been diagnosed as having active tuberculosis and have not completed a course of antituberculosis treatment are still considered to have active tuberculosis and may be infectious."

By striking lines 17 through 23 of page 1.

On the adoption of the amendment, the yeas were 36, nays 0, and the committee amendment was adopted.

The report of the committee, which was favorable to the passage of the bill as amended, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Adelman
Y Balfour
Y Brown

Y Hill,Jack
Y Hill,Judson
Y Hooks

Y Smith
Y Starr
Y Staton

Y Bulloch	Y Hudgens	Y Stephens
Y Butler	Y Johnson	Y Stoner
Y Cagle	Jones	Y Tate
Y Carter	Y Kemp	Y Thomas,D
Y Chance	Y Me V Bremen	Y Thomas,R
Y Chapman	Y Miles	Y Thompson,C
Y Douglas	Y Moody	E Thompson,S
Y Fort	Y Mullis	Y Tolleson
Y Goggans	Y Pearson	Y Unterman
Y Golden	Y Powell	Walker
Y Grant	Y Reed	Y Weber
Y Hamrick	Y Rogers	Y Whitehead
Y Harbison	Y Schaefer	Y Wiles
Y Harp	Y Seabaugh	Y Williams
Y Heath	Y Seay	Y Zamarripa
Y Henson	Y Shafer,D	

On the passage of the bill, the yeas were 53, nays 0.

SB 56, having received the requisite constitutional majority, was passed as amended.

Senator Cagle of the 49th recognized representatives of the Georgia Recreation and Parks Association, commended by SR 97, adopted previously.

The Calendar was resumed.

SB 87. By Senators Bulloch of the 11th, Hudgens of the 47th and Kemp of the 46th:

A BILL to be entitled an Act to amend Article 2 of Chapter 11 of Title 2 of the Official Code of Georgia Annotated, the "Georgia Seed Law," so as to preempt certain local ordinances relating to seeds; to provide certain exemptions; to repeal conflicting laws; and for other purposes.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Adelman	Y Hill,Jack	Y Smith
Y Balfour	Y Hill,Judson	Y Starr
Y Brown	Y Hooks	Y Staton
Y Bulloch	Y Hudgens	Stephens
Y Butler	Y Johnson	Y Stoner

Y Cagle	Y Jones	Tate
Y Carter	Y Kemp	Y Thomas,D
Y Chance	Y Me V Bremen	N Thomas,R
Y Chapman	Miles	Y Thompson,C
Y Douglas	Y Moody	E Thompson,S
Y Fort	Y Mullis	Y Tolleson
Y Goggans	Pearson	Y Unterman
Y Golden	Y Powell	Walker
Y Grant	Y Reed	Y Weber
Y Hamrick	Y Rogers	Y Whitehead
Y Harbison	Y Schaefer	Y Wiles
Y Harp	Y Seabaugh	Y Williams
Y Heath	Y Seay	Y Zamarripa
Y Henson	Y Shafer,D	

On the passage of the bill, the yeas were 49, nays 1.

SB 87, having received the requisite constitutional majority, was passed.

SB 88. By Senators Bulloch of the 11th, Hudgens of the 47th and Kemp of the 46th:

A BILL to be entitled an Act to amend Article 1 of Chapter 12 of Title 2 of the Official Code of Georgia Annotated, the "Georgia Fertilizer Act of 1997," so as to preempt certain local ordinances relating to fertilizer; to provide certain exemptions; to repeal conflicting laws; and for other purposes.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Adelman	Y Hill,Jack	Y Smith
Y Balfour	Y Hill,Judson	Y Starr
Y Brown	Y Hooks	Y Staton
Y Bulloch	Y Hudgens	Y Stephens
Y Butler	Y Johnson	Y Stoner
Y Cagle	Y Jones	Y Tate
Y Carter	Y Kemp	Y Thomas,D
Y Chance	Y Me V Bremen	N Thomas,R
Y Chapman	Y Miles	Y Thompson,C
Y Douglas	Y Moody	E Thompson,S
Y Fort	Y Mullis	Y Tolleson
Y Goggans	Y Pearson	Y Unterman

Y Golden	Y Powell	Walker
Y Grant	Y Reed	Y Weber
Y Hamrick	Y Rogers	Y Whitehead
Y Harbison	Y Schaefer	Y Wiles
Y Harp	Y Seabaugh	Y Williams
Y Heath	Y Seay	Y Zamarripa
Y Henson	Y Shafer,D	

On the passage of the bill, the yeas were 53, nays 1.

SB 88, having received the requisite constitutional majority, was passed.

Senator Tolleson of the 20th recognized representatives of the Professional Association of Georgia Educators (P.A.G.E), commended by SR 71, adopted previously.

The Calendar was resumed.

SB 89. By Senators Thomas of the 54th, Unterman of the 45th and Smith of the 52nd:

A BILL to be entitled an Act to amend Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to controlled substances, so as to change certain provisions relating to Schedule I controlled substances; to change certain provisions relating to the definition of dangerous drug; to provide for exceptions; to provide an effective date; to repeal conflicting laws; and for other purposes.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Adelman	Y Hill,Jack	Y Smith
Y Balfour	Y Hill,Judson	Y Starr
Y Brown	Y Hooks	Y Staton
Y Bulloch	Y Hudgens	Y Stephens
Y Butler	Y Johnson	Y Stoner
Y Cagle	Y Jones	Y Tate
Y Carter	Y Kemp	Y Thomas,D
Y Chance	Y Me V Bremen	Y Thomas,R
Y Chapman	Y Miles	Y Thompson,C
Y Douglas	Y Moody	E Thompson,S
Y Fort	Y Mullis	Y Tolleson
Y Goggans	Y Pearson	Y Unterman

Y Golden	Y Powell	Walker
Y Grant	Y Reed	Y Weber
Y Hamrick	Y Rogers	Y Whitehead
Y Harbison	Y Schaefer	Y Wiles
Y Harp	Y Seabaugh	Y Williams
Y Heath	Y Seay	Y Zamarripa
Y Henson	Y Shafer,D	

On the passage of the bill, the yeas were 54, nays 0.

SB 89, having received the requisite constitutional majority, was passed.

SB 97. By Senators Hamrick of the 30th, Mullis of the 53rd, Kemp of the 46th, Unterman of the 45th and Tate of the 38th:

A BILL to be entitled an Act to amend Code Section 15-11-71 of the Official Code of Georgia Annotated, relating to juvenile court supervision fees, so as to provide that fees may be used for truancy intervention services; to provide for related matters; to repeal conflicting laws; and for other purposes.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Adelman	Y Hill,Jack	Y Smith
Y Balfour	Y Hill,Judson	Y Starr
Y Brown	Y Hooks	Y Staton
Y Bulloch	Y Hudgens	Y Stephens
Y Butler	Y Johnson	Y Stoner
Y Cagle	Y Jones	Y Tate
Y Carter	Y Kemp	Y Thomas,D
Y Chance	Y Me V Bremen	N Thomas,R
Y Chapman	Y Miles	Y Thompson,C
Y Douglas	Y Moody	E Thompson,S
Y Fort	Y Mullis	Y Tolleson
Y Goggans	Y Pearson	Y Unterman
Y Golden	Y Powell	Walker
Grant	Reed	Y Weber
Y Hamrick	Y Rogers	Y Whitehead
Y Harbison	Y Schaefer	Y Wiles
Y Harp	Y Seabaugh	Y Williams

Y Heath
Y Henson

Y Seay
Y Shafer,D

Zamarripa

On the passage of the bill, the yeas were 50, nays 1.

SB 97, having received the requisite constitutional majority, was passed.

SR 33. By Senators Balfour of the 9th, Unterman of the 45th, Shafer of the 48th, Harp of the 29th, Thompson of the 5th and others:

A RESOLUTION approving the creation of a new four-year college in Gwinnett County by the Board of Regents of the University System of Georgia; and for other purposes.

Senator Smith of the 52nd offered the following amendment:

Amend SR 33 by inserting the following at the end of line 10 of page 2:

“The institution shall be named and referred to as Don Balfour University Center or ‘DBUC’ as a permanent honor to the Chairman of the powerful Senate Rules Committee and shall have as its official school mascot the Fighting Green Tree Frog.”

Senator Smith of the 52nd asked unanimous consent that his amendment be withdrawn. The consent was granted, and the amendment was withdrawn.

The report of the committee, which was favorable to the adoption of the resolution, was agreed to.

On the adoption of the resolution, a roll call was taken, and the vote was as follows:

Y Adelman
Y Balfour
N Brown
Y Bulloch
Y Butler
Y Cagle
Y Carter
Y Chance
Y Chapman
Y Douglas
Y Fort
Y Goggans
Y Golden

Y Hill,Jack
Y Hill,Judson
Y Hooks
Y Hudgens
Y Johnson
Y Jones
Y Kemp
Y Me V Bremen
Y Miles
Y Moody
Y Mullis
Y Pearson
Y Powell

Y Smith
Y Starr
Y Staton
Y Stephens
Y Stoner
N Tate
Y Thomas,D
N Thomas,R
Y Thompson,C
E Thompson,S
Y Tolleson
Y Unterman
Walker

Grant	Y Reed	Y Weber
Y Hamrick	Y Rogers	Y Whitehead
Y Harbison	Y Schaefer	Y Wiles
Y Harp	Y Seabaugh	Y Williams
Y Heath	Y Seay	Y Zamarripa
Y Henson	Y Shafer,D	

On the adoption of the resolution, the yeas were 50, nays 3.

SR 33, having received the requisite constitutional majority, was adopted.

The following resolution was read and put upon its adoption:

HR 165. By Representatives Keen of the 179th and Porter of the 143rd:

A RESOLUTION calling a joint session of the House of Representatives and the Senate for the purpose of hearing a message from the Chief Justice of the Supreme Court; and for other purposes.

On the adoption of the resolution, the yeas were 37, nays 0, and the resolution was adopted.

Senator Stephens of the 27th asked unanimous consent that upon receipt of HB 84 from the House, it be read the first time and referred to the Senate Appropriations Committee.

The consent was granted.

Senator Stephens of the 27th moved that the Senate stand in recess until 5:00 p.m., then adjourn until 10:00 a.m. Wednesday, February 9, 2005.

At 11:58 a.m. the President announced that the motion prevailed.

The following message was received from the House through Mr. Rivers, the Clerk thereof:

Mr. President:

The House has passed by the requisite constitutional majority the following Bill of the House:

HB 84. By Representatives Richardson of the 19th, Golick of the 34th, Harbin of the 118th, Roberts of the 154th and Keen of the 179th:

A BILL to amend an Act providing appropriations for the State Fiscal Year 2004-2005, known as the "General Appropriations Act," approved May 17, 2004 (Ga. L. 2004, p. 994.) and for other purposes.

The following House legislation was read the first time and referred to committee:

HB 84. By Representatives Richardson of the 19th, Golick of the 34th, Harbin of the 118th, Roberts of the 154th and Keen of the 179th:

A BILL to amend an Act providing appropriations for the State Fiscal Year 2004-2005, known as the "General Appropriations Act," approved May 17, 2004 (Ga. L. 2004, p. 994.) and for other purposes.

Referred to the Appropriations Committee.

Pursuant to a motion adopted earlier, the Senate adjourned at 5:00 p.m.